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May 30, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYVIA HAND DELIVERYThomas Sugrue, Esq.
Federal Communications Commission
Chief, Wireless Telecommunications Bureau
445 12th Street, S.W.
Washington, DC 20554Re: AT&T Wireless, Inc.'s Request for Waiver of the E911 Phase II Location
Technology Implementation Rules, CC Docket No. 94-102

Dear Mr. Sugrue:

TruePosition, Inc. ("TruePosition") files this letter in connection with AT&T Wireless, Inc.'s ("AT&T") request for waiver of the E911 Phase II Location Technology Implementation rules. As a confidential exhibit to its waiver request, AT&T attached a "TruePosition Test Report," which characterizes a test conducted by TruePosition and AT&T in the Redmond, WA area. On May 10, 2001, the Policy Division of the Wireless Telecommunications Bureau denied AT&T's request that the Report be accorded confidential treatment. Order, WTB (DA 01-1188, rel. May 10, 2001).

Subsequent to the Commission's May 10 Order, TruePosition obtained a copy of the Test Report. TruePosition has no objection to the Commission's decision to make the TruePosition Test Report available to the general public and it takes no position on the AT&T waiver request.

However, TruePosition believes it is necessary to clarify certain aspects of the Test Report in light of the Commission's "ongoing evaluation of the state of readiness of E911 technologies." Order at 2. It is important that the Commission understand that the test characterized in the Report:

- was conducted approximately eighteen months ago;
- was conducted in a location with a challenging RF environment due to terrain; and

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- was not initially intended or designed to test the accuracy of TruePosition's technology.

It is equally important that the Commission understand that TruePosition has made substantial improvements in its technology in the intervening year and one-half and that, had the Redmond test been intended to test accuracy, TruePosition and AT&T would have conducted it very differently.

Beginning in October 1999 and ending in January 2000, with most of the data being recorded during December 1999, TruePosition and AT&T conducted a test of TruePosition's network-based solution for locating wireless callers on a TDMA network. The test plan that AT&T and TruePosition agreed to envisioned two phases of testing -- an initial phase and an expanded phase. In the initial phase, testing the accuracy of the system was not the objective. Rather, the purpose of the initial phase of testing was two-fold: (1) to allow AT&T to gain a better understanding of elemental aspects of the TruePosition system, including such matters as installation, maintenance, other requirements the location system would impose on the associated wireless system, and all-in costs; and (2) to allow AT&T to develop and refine its own location testing methodologies. Then, in the expanded phase of testing, primary objectives included addressing installation and integration issues, understanding any limitations of coverage, and estimating requirements for maintenance and operations, as well as testing the accuracy of the system. Importantly, the Redmond area test never moved to the expanded phase.

If the expanded phase testing had been conducted, TruePosition would have made significant changes to the Redmond system which would have produced better accuracy results than those reported by AT&T. Because of terrain features, the seven cell sites used in the initial phase of the test were inadequate to test the accuracy performance of the TruePosition system in that area. There are two additional cell sites centrally located in the Redmond testing area that were not made available for the test. Given the critical location of these two cell sites, the installation of TruePosition equipment at these sites would have vastly increased the accuracy of the system. The terrain of the Redmond area is far from typical and thus presented difficulties that could have been ameliorated through modification of the system and access to these two additional cell sites. For example, the Redmond terrain includes large ridges that block radio signal propagation and, without access to additional sites, limit the accuracy of the system. Thus, following the initial test phase, TruePosition provided AT&T with an analysis of the area that explained the changes that TruePosition would make to the system that would enable it to meet the Commission's accuracy requirements during the expanded phase of testing. However, because the expanded phase of testing was not conducted, TruePosition was not given an opportunity to make these changes and retest the system.

As the Report notes, TruePosition's TDMA equipment used in the Redmond trial was still in the "beta stage." Of course, iterative testing of the kind originally contemplated is common with developing technologies and allows companies to address the learning curve issues that arise during the early stages of development. Notwithstanding the fact that the expanded phase of testing in the

Redmond area was not conducted, TruePosition has continued to test and improve its TDMA technology.

Although TruePosition has not reviewed the data underlying the test results reported by AT&T in Table 1, its data indicate that the system performed with greater accuracy than reflected in the Table. The reported results reflect the incomplete implementation and coverage of the system described above. Had the TruePosition system been deployed in all of the system's cell sites mentioned above, the results in Table 1 would have been significantly improved. Moreover, as the Commission is aware, TDMA systems present the most difficult challenges for location technologies of any of the modulation techniques employed by wireless carriers and thus it would be incorrect to derive general location policies on the basis of TDMA tests generally and of this 1999 TDMA test specifically. Nevertheless, TruePosition is pleased to report that subsequent TDMA testing has produced very strong accuracy results meeting the FCC requirements.

The RF propagation environment in each market is unique. Thus, before installing its system in any market, TruePosition first evaluates the market to determine how the system may need to be fine-tuned to serve the unique needs of that market. Once the system is installed, TruePosition may make further adjustments to the system in order to customize it to the area and ensure that the system performs at its highest level. The terrain of the Redmond area, which creates a challenging RF propagation environment, is precisely the type of area that requires such customization in order to achieve results that meet the Commission's accuracy requirements. Since 1999, TruePosition has greatly improved both its pre-installation tools used to evaluate the designated market as well as its ability to fine-tune the system once it is deployed.

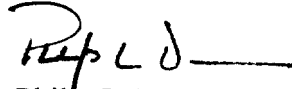
TruePosition has continued to develop and improve its location technology for the provision of wireless E911. The system has been evaluated and modified to ensure that it complies with the Commission's location technology requirements. Specifically, TruePosition has made numerous hardware and software upgrades, advancing the system from version 2.0 during the Redmond trials to version 5.0. Today, TruePosition is confident that these improvements have led to the development of a TDMA product that would produce far better results than those achieved in the 1999 Redmond area trials.

Finally, TruePosition would be willing to conduct performance and accuracy testing at any time, and at its own expense. TruePosition is confident that any tests done today would demonstrate that the technology, when installed and operated under appropriate circumstances, meets the Commission's E911 Phase II accuracy requirements. Performance testing could be conducted based upon an expanded test plan that would include not only a suburban area similar to the Redmond test, but also urban and rural environments. In order to accurately demonstrate the capabilities of the TruePosition technology, however, TruePosition must be afforded an opportunity to adjust its system as the particular situation and terrain requires. Any new testing must permit TruePosition to customize its system as necessary, just as TruePosition would do in a real-world environment.

Thomas Sugrue, Esq.
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Please contact us if we can provide you with any additional information regarding the TruePosition location technology.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip L. Verveer", followed by a horizontal line.

Philip L. Verveer
David M. Don
Kelly N. McCollan*
Attorneys for TruePosition, Inc.

cc: Magalie Roman Salas
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* Admitted in Virginia only.